P.7.190.92

G. R. S. IX-5]

Previous references.

1891-92

192 .

(L.R)

File No. 188-9

Serial Nos.

Later references.

LR 154-94

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4.

In ~~Part~~ B for November 1892.

SUBJECT.

Appeal of Neelamegham Venkatachalla Setty, Proprietor & Co. of Sakaleshpur Manjarabad Taluk Refusal of the grant of land S. No. 40. in Kuddinganakoli Village to Hassan Subba Setti.

No. S. [illegible]

The Deputy Comm.r Hassan District.

No. 5939 dt 1.11.92.

P.7.190-92

Declining to interfere with the Order of the Deputy Comm.r in refusing to Grant [illegible] S. No. 40.

Continued

WD 2233—GPB—20,000—14-6-20

Indexed

1.

Memo

R. No: 194 of 1891-92.

Appellant
Neela Mesha Venkatachala
- Shetti, Sidde Gowda Pa,
Saklespur
Hassan District -

Vs

Respondt -
Shiba Shetti of Hassan -

On 3d: January 1891 the Respdt: applied to the Amildar, Manjarabad Taluk, for the grant of 5 acres of land for drying ground, Nursery &: and 5 acres on Dry assessment, out of survey no: 40 of the Kabbinsadde village The total area of the survey no: is 29 acres + 6 guntas assessed at Rs: 12/-. The drying ground, Nursery &: was stated to be for the benefit of the adjoining Coffee land - no: 150 of the Matsagara village and

another Coffee Estate of 123 acres of Goravankalli, owned by the Respondt. The Huilgar refused the application as part of the land required for drying ground &c. was fit for Coffee.

The Respdt. next appealed to the Dy Comr: and represented that he was prepared to pay Coffee rate for the land required for drying ground &c., that it might be granted to him without sale for the upset price of Rs: 10/- per acre, and that the remaining land in the survey No: might be granted him as Kushki land on the rates fixed by the Survey.

Sur: No: 40 was then sub-divided under the Order of the Dy Comr: and the following new Nos: formed —

New No:	Extent	Land.
86	2-19	
85	5-33	for drying ground &c.
84	2-27	Coffee land.

(Please see sketch Map in the Ver: record).

An extent of 5 gunthas of land out of the new no: 85 was deducted on account of the track going through the number.

On the recommendation made by the Assistant Director Sanctioned the grant of -

1 new no: 84, Coffee, at Rs: 22/- per acre being the average price of land sold in the neighbourhood.

2. new no: 85 - for ongoing ground &c: - for average value at Rs: 5/- per acre.

The Dy Comrs order is dated 29th: September 1891.

On 18th: September 1891 the appellants applied to the Assistant Director for the grant of 16 acres of land out of the same Survey no: 40 for ongoing ground &c: for the benefit of the ongoing Coffee Estates owned by them in the village of

Mallalieu & Matsepier.
the Builder told them
that they might have
the remaining portion
of the No. except the
new No. formed at
the instance of the Court.

When the Appellants
addressed the Jury, Con-
tending that the portion
sold by the Respt. Con-
stituted the way to their
garden & was in every
respect conveniently
situated for drying-ground
&c. for their estate.

On being required
to report further in the
matter the Builder sub-
mitted that he should
have not subdivided the
No. as required by him
(Builder); and that
if the boundary of the
new No. 85 had not extended
beyond the way going
through the land, the
Appts. would not have
arisen; and that the
portion of No. 85 to the
east of the way - about
3 rods in Extent - was
sufficient for the purpose

of the Report.

The Dy Comr: (Mr Kennedy) on personal inspection sanctioned the grant of the land to the Petitioner at the same time that a space of 8 yards in width instead of that of 5½ yds: allowed by the Surveyor, should be set apart for the track.

The appeal is against the above Order, which is dated 24th November 1891.

The appellants contend-

(1). Assessed land cannot be granted for purposes connected with Coffee cultivation Khanab land only can be so given under the rules.

(2). The Partition is not in accordance with rule 20 of the Land Rev. Rules.

(3). Para 5 of this rule requires that application should be so disposed of as not to prejudice the interests of others.

(4) As per para 7 of the said rule a margin of 22 yds. should be reserved along the roads.

(5). The roads being included in the numbers, passers-by are put to inconvenience.

(6) The Report shows only about 32 acres of Coffee land and the plant of land for the purpose of this estate is disproportionate.

(7) The Appellants were not aware of the Division made on the application of the Report

(8) The appellants have

No objection to the grant of land to the Respt. in accordance with the Boundaries laid down by the District Surveyor.

The Appellants pray that the bit above the road (to the west) might be remitted to them ^ the remaining portion (1 acre no 85) being given to the Respt.

^ as it adjoins their garden (in Malabi)

The grounds given by the Govt for his decision are -

(1). If the Appellants really bounded the land close to their garden they should have applied for it in the first instance

(2). The objections raised by the Respt. Govt the land are not valid & reasonable

P.T.O

Note. The grounds for-
ward a memo of
explanation on
each ground of Appeal

VL
16/9/92

Paris

Case under Art.
cl: 11 (Compensation
rights) of the Act (
Paris

Submitted for
Permit.

VL
16/9/92

Ans 1

It Govt. has no reason
to interfere with
the decision of the
Director

17/9/92

I do not
think a
hearing is
necessary

18/9/92

Accepted

18/9/92

(1) Petition duly stamped

(2) Copy of order appealed against - produced.

(3) Appeal in time

(4) Rule 1 of the Additional Rules

Submitted to the Council.

K
25.4.92.

(General Serial No. 32.)

189

No. 4305

Name of Petitioner. Nelampurath Kandiath Sankaran Nayar

Village. Pakkipura

Taluk. Manjeri

District. Malabar

Date of Arzi. 21.12.91

Date of Receipt. 19.3.92

Date of Disposal.

No. of Enclosures. Two

ABSTRACT.

Appeal against order ... Subha Sethu ... village being provided ... Kharab lands lying ... Coffee lands may be ... for [redacted] not exceeding ... lands. [redacted] ...

Call for Proceedings.

K
3/5/92

t in accordance with
20 of Land Registration
as for para 6 of that
ruction in Land
be subject to any
prejudicial to the
ct of future.

As for para 7 of that
a margin 9 ins. wide
round alongside of
d, running thro' the
ger land, and can with
limit this right, or any
rent, be given by you.

In the present case it
ot to be measured along
ter, round the ~~present~~ bay
y
ger and identify it
ot marked on it but
is that
ree ~~in the~~ poles are ^ like
ided in ^ that ^ it
sequence is that the
ver by and sets are
t present inconvenient
the garden wall

shall be letting said that he wanted some land near the hedge of his garden. If he really required it, he should have applied for it in time and there would have been no objection to granting it to him. His objection now is unreasonable & cannot be admitted. The passage for the people of the estate opening Sub-letting should not be blocked up.

It appears that 5 ac. of land has been reserved by the D. Survey [struck out] for cart road & enclosures. Eight yards should be set apart for the purpose.

—

Pro. [illegible] dated [illegible] to be sent [illegible] —

Proceedings cannot be stayed without orders from higher authorities.

—

by our direction [struck out]

Sub-letting covers an area of only 12 acres, and it has been under cultivation for the last 12 years. To say now that the number of houses is required in mining grounds &c: [struck out] is not worthy of credit. Besides, [struck out] there is a great disproportion between the extent applied for & the extent of the said garden.

5. [struck out] Being under the impression that the land was "mufat" for [illegible] [struck out] [illegible] acre [struck out] hesitation [struck out] to apply for it [struck out]. The whole the occupants of the neighbouring lands were not aware of Sub-letting until the act of the sub-division of the land. The

apparent title and can-
dimus patient over
an area of 100 acres. Then
at a distance
over land are notified
by this notice to appear
from time to time at the
present instance court
or else without any such
notice.

6. The Sheriff is enjoined
to take custody of the
common property and provide
a guard to carry the
court decision
in case. There was no
objection to the sanitary
granted to the Sanitary
Commissioner of said Spain.
That at the time of such
division the Sheriff will
be sure to have the plot
of Peter Snider, having
no way in front of

7. Excepting to land in
dispute, this land
to other land for [illegible]
[illegible] ne. The project
to land highway to
be given item in it is
proper to be built
for notice appearing
land. The commissioner
court to real may
make such disposition
advantage.

8. In addition this
property to be sold
other legal
practice to dispose
to appeal.

—a—

By: Commissioners Boyd
Ezi. H. Pi. to the Sheriff: —

Him personally
interested in sanitary
part. in this project
Such city is interested
Subtype, one of [illegible]

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT
REG'D. NO. 6304
DATE 14-3-92

Kolar
10-3-92

24, 9

1074 of 91-92

13.

34

ಕಾಲಿಗೆ ಬಿದ್ದು ಕಣ್ಣೀರಿಟ್ಟು ಕೈಮುಗಿದು ಬೇಡಿಕೊಂಡರೂ ಕೇಳದೆ ಅವಳ ಮೇಲೆ ಅತ್ಯಾಚಾರ ಮಾಡಿ ಕೊಲೆ ಮಾಡಿದ್ದಾರೆ. ಇಂಥ ಕೃತ್ಯ ಎಸಗಿದವರಿಗೆ ಕಠಿಣ ಶಿಕ್ಷೆಯಾಗಬೇಕು. ಅಂಥವರಿಗೆ ಗಲ್ಲು ಶಿಕ್ಷೆಯಾಗಬೇಕು ಎಂದು ಆಗ್ರಹಿಸಿ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ ಕಾರ್ಯಕರ್ತರು ಮತ್ತು ಮುಖಂಡರು ಪ್ರತಿಭಟನೆ ನಡೆಸಿದರು. ಪ್ರತಿಭಟನೆಯಲ್ಲಿ ಪಾಲ್ಗೊಂಡಿದ್ದ ಕಾಂಗ್ರೆಸ್ ಮುಖಂಡರು ಮಾತನಾಡಿ, ಕಳೆದ ಕೆಲವು ದಿನಗಳಿಂದ ರಾಜ್ಯದಲ್ಲಿ ಅತ್ಯಾಚಾರ ಪ್ರಕರಣಗಳು ಹೆಚ್ಚಾಗುತ್ತಿವೆ. ಅಪ್ರಾಪ್ತ ಬಾಲಕಿಯರು, ಯುವತಿಯರು ಮತ್ತು ಮಹಿಳೆಯರ ಮೇಲೆ ಅತ್ಯಾಚಾರ ಎಸಗಿ ಕೊಲೆ ಮಾಡಲಾಗುತ್ತಿದೆ. ಇಂಥ ಪ್ರಕರಣಗಳಲ್ಲಿ ಆರೋಪಿಗಳಿಗೆ ಕಠಿಣ ಶಿಕ್ಷೆಯಾಗಬೇಕು. ಅಂಥವರಿಗೆ ಗಲ್ಲು ಶಿಕ್ಷೆಯಾಗಬೇಕು ಎಂದು ಆಗ್ರಹಿಸಿದರು. ಪ್ರತಿಭಟನೆಯಲ್ಲಿ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ ಜಿಲ್ಲಾಧ್ಯಕ್ಷರು, ಶಾಸಕರು, ಮಾಜಿ ಶಾಸಕರು, ಪಕ್ಷದ ಪದಾಧಿಕಾರಿಗಳು ಮತ್ತು ಕಾರ್ಯಕರ್ತರು ಭಾಗವಹಿಸಿದ್ದರು.

ಪ್ರತಿಭಟನೆಯ ಬಳಿಕ ಕಾಂಗ್ರೆಸ್ ಮುಖಂಡರು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ಮನವಿ ಪತ್ರ ಸಲ್ಲಿಸಿದರು. ಮನವಿಯಲ್ಲಿ, ಅತ್ಯಾಚಾರ ಮತ್ತು ಕೊಲೆ ಪ್ರಕರಣಗಳಲ್ಲಿ ಆರೋಪಿಗಳಿಗೆ ಕಠಿಣ ಶಿಕ್ಷೆಯಾಗಬೇಕು. ಅಂಥವರಿಗೆ ಗಲ್ಲು ಶಿಕ್ಷೆಯಾಗಬೇಕು ಎಂದು ಆಗ್ರಹಿಸಲಾಗಿದೆ. ಅಲ್ಲದೆ, ಅತ್ಯಾಚಾರ ಪ್ರಕರಣಗಳ ತನಿಖೆಗಾಗಿ ಫಾಸ್ಟ್ ಟ್ರ್ಯಾಕ್ ನ್ಯಾಯಾಲಯಗಳನ್ನು ಸ್ಥಾಪಿಸಬೇಕು. ಸಂತ್ರಸ್ತೆಯರಿಗೆ ಸೂಕ್ತ ಪರಿಹಾರ ಮತ್ತು ಪುನರ್ವಸತಿ ಕಲ್ಪಿಸಬೇಕು ಎಂದು ಒತ್ತಾಯಿಸಲಾಗಿದೆ. ಮನವಿ ಪತ್ರವನ್ನು ಸ್ವೀಕರಿಸಿದ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಮನವಿಯನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಕಳುಹಿಸಿಕೊಡುವುದಾಗಿ ಭರವಸೆ ನೀಡಿದರು.

ಪ್ರತಿಭಟನೆಯಲ್ಲಿ ಪಾಲ್ಗೊಂಡಿದ್ದ ಕಾಂಗ್ರೆಸ್ ಮುಖಂಡರು ಮಾತನಾಡಿ, ಕಳೆದ ಕೆಲವು ದಿನಗಳಿಂದ ರಾಜ್ಯದಲ್ಲಿ ಅತ್ಯಾಚಾರ ಪ್ರಕರಣಗಳು ಹೆಚ್ಚಾಗುತ್ತಿವೆ. ಅಪ್ರಾಪ್ತ ಬಾಲಕಿಯರು, ಯುವತಿಯರು ಮತ್ತು ಮಹಿಳೆಯರ ಮೇಲೆ ಅತ್ಯಾಚಾರ ಎಸಗಿ ಕೊಲೆ ಮಾಡಲಾಗುತ್ತಿದೆ. ಇಂಥ ಪ್ರಕರಣಗಳಲ್ಲಿ ಆರೋಪಿಗಳಿಗೆ ಕಠಿಣ ಶಿಕ್ಷೆಯಾಗಬೇಕು. ಅಂಥವರಿಗೆ ಗಲ್ಲು ಶಿಕ್ಷೆಯಾಗಬೇಕು ಎಂದು ಆಗ್ರಹಿಸಿದರು. ಪ್ರತಿಭಟನೆಯಲ್ಲಿ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ ಜಿಲ್ಲಾಧ್ಯಕ್ಷರು, ಶಾಸಕರು, ಮಾಜಿ ಶಾಸಕರು, ಪಕ್ಷದ ಪದಾಧಿಕಾರಿಗಳು ಮತ್ತು ಕಾರ್ಯಕರ್ತರು ಭಾಗವಹಿಸಿದ್ದರು.

ಪ್ರತಿಭಟನೆಯ ಬಳಿಕ ಕಾಂಗ್ರೆಸ್ ಮುಖಂಡರು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ಮನವಿ ಪತ್ರ ಸಲ್ಲಿಸಿದರು. ಮನವಿಯಲ್ಲಿ, ಅತ್ಯಾಚಾರ ಮತ್ತು ಕೊಲೆ ಪ್ರಕರಣಗಳಲ್ಲಿ ಆರೋಪಿಗಳಿಗೆ ಕಠಿಣ ಶಿಕ್ಷೆಯಾಗಬೇಕು. ಅಂಥವರಿಗೆ ಗಲ್ಲು ಶಿಕ್ಷೆಯಾಗಬೇಕು ಎಂದು ಆಗ್ರಹಿಸಲಾಗಿದೆ. ಅಲ್ಲದೆ, ಅತ್ಯಾಚಾರ ಪ್ರಕರಣಗಳ ತನಿಖೆಗಾಗಿ ಫಾಸ್ಟ್ ಟ್ರ್ಯಾಕ್ ನ್ಯಾಯಾಲಯಗಳನ್ನು ಸ್ಥಾಪಿಸಬೇಕು. ಸಂತ್ರಸ್ತೆಯರಿಗೆ ಸೂಕ್ತ ಪರಿಹಾರ ಮತ್ತು ಪುನರ್ವಸತಿ ಕಲ್ಪಿಸಬೇಕು ಎಂದು ಒತ್ತಾಯಿಸಲಾಗಿದೆ. ಮನವಿ ಪತ್ರವನ್ನು ಸ್ವೀಕರಿಸಿದ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಮನವಿಯನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಕಳುಹಿಸಿಕೊಡುವುದಾಗಿ ಭರವಸೆ ನೀಡಿದರು.

Dec 21st 1894

16

No 85

Endd to order 13/5

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 4369

dated 21st Decr/91 received at the

Dewan's Office from Pelamegum

Venkatachella Setti, Siddo

Sondat & Co, & Salebapur

Manpara Saheb

complaining against the grant

of land Sy No 40 in Kaffirgad

village to one Hassan Subba

Chetty.

is forwarded, together with its four

enclosures, to the Deputy Comrs

Hassan for submission

of proceedings with a Comrs

report thereon

of the case & on

the points taken

in the Petn

By Order,

Draft

Chief Secretary.

BANGALORE,
13 May 1892.

To the Comr Mysore dy 13/5/92

From the Dewan Dy 31-7-92

17

(General Serial No. 30.)

1892. 1275.

3-
P21 58

From

The Commissioner,
Hassan District.

To

The Chief Secretary to the Dewan of Mysore.

Dated 31st July 1892

Despatched 2d August 1892.

Received

Enclosures No. Petition with enclo; memo & plan of K.P.

General No. 234

No.

In reply to 36 *Dated* 13th May 1892.

SUBJECT.

Submitting a report with a memo. on the petition from Neelamégam Venkatachellasetti, Siddegowda &c of Sukkespur complaining against the grant of land survey no 40 in Kabbinagadde village to one Subbasetti.

References (to be entered only in the Dewan's Office).

5/8/92

Dy Commissioner's Office

No 284 of 1897

Kapas District

Dated Camp Kalgadgi 8th June 1897

From,

The Dy Commissioner,
Kapas District

To,

The Chief Secretary to the
Govt of Mysore,

Sir,

With reference to your
official Memo No 85 dated
13th May last, I have the hon
to forward herewith the
Entire Vernacular Records
as per Parisht Register and
Memo of Explanation for
each ground of appeal regard-
-ing the complaint of Venkata-
Chella Setty & Co; of Satteapur.

The appeal petition and other

papers

papers, received with the above
are also herewith returned.

I have the honor to be
Sir,
Your most obt. servt.

[illegible]

[illegible]
Supt. Ry Communication

Answers to the grounds of appeal presented by Periakaruppa Chetty Siddey Lowda & Co: Settlement objecting to the grant of land Survey No. 40 in Kallimagaladé village to one Sarkkarchetty. -

Grounds of appeal

1. In this Province of Saffragam dry lands were only assessed at the time of the Survey Settlement and not before. The high prices that are now ruling in the Market for coffee and consequent extension of its cultivation have induced people to apply for any lands now and again for the purpose

The people of Lake Key and grow coffee on often dry ground in Malvad by raising artificial shade. Hence the demand is great and where such lands are applied for are granted under the Rules prescribed for coffee cultivation. The Commissioner appointed at the Survey Settlement are doing on a reference from this office in each case & Survey off and the coffee land fixed by the Survey Department The same procedure was followed in the present case also. The objection taken

ground II

by the petitioner is therefore, untenable.

The Court moreover applied for by the petitioner, after it was applied for by the counter petitioner and granted, the petitioner who is ill disposed towards the counter petitioner being jealous stand in order to annoy him stated that he was also in need of a portion of the same for Kanamani. Upon this the Court was misled and by the time when it was found that he had simple reasons he was unable for the purpose, that is

land lying in the back ground of his estate it was not readily known by him & that planters do not generally make Kanawnaé or drying grounds to the back of their estates and that he wanted the Commissioners to share with him in the land he had applied for to sustain to inconvenience and annoyance and that he was not in need of the same. The Commissioners on the other hand was in absolute need of it, and that it was in front of his estate, it was therefore decided by me that the applicant alone should get it over-ruling the objections which were in fact vexatious and frivolous advanced through the

4
mile. If he really stood
in need of the land he
would have long ago
applied for it and got
it without much difficul-
-ty and there was
nothing to prevent him
from doing so. The
fact is that he was
not in need of it and
did not therefore
apply for it or
make any attempt
to secure it. Immediately
when he saw that his
neighbour got it he could
not bear the idea. -

Ground III

This is only a foot
path and not a high
road. After due con-
-sideration a path
of eight feet wide
has been considered
to be right. This is quite
ample for the purpose

Ground IV.

The counter petitioner's Statute was enjoined only a few years ago and the plants have just begun to bear fruits and not 10 years ago as alleged by the petitioner. The land now applied for "Kanamanu" is not much considering the requirements of a coffee planter for coolies &c.

Ground V

Ans for the remarks.

Ground VI

This is untenable. Lands applied for, for Kanamanu &c. grants are granted without sale under the existing Rules, and consequently no proclamation was necessary or published.

Ground VII

Ground VIII

Calls for a Jury, remarks &c

This is replied to like
reply to ground &c II

The Land mark Ladies
Bazar and the in-
-terest of the neighbours
was duly considered.
The classification and
the revision of assess-
-ment were in no
way prejudicial to
the interest of any
person, but on the
other hand the Govt
is a gainer in the long
run to a great extent.
The procedure therefore
followed in fixing I in
in respect in this Div.
for a long time, and
the Survey Superintt
has also approved in
the same. This has
brought a good income
to

2 Vols.

To the Governor of the State.

Yours truly

Chief Dy Commissioner

Freedmen Bureau

Draft for Legislative Department 28 : 9 : 4

A.C. No. 194.

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
Octo 1892.

Endorsement granted to Seela Nagha Sastata Chetti, Little Cantonment, Bangalore, Inamdar of Kesavan Kere, in reply to this Petition Registered No. 13, 9 dated 31st Dec 91 24 Feb 92

Petitioner is informed that the Govt see no reason to interfere with the decision of the Lyl Govt.

2. The enclosures are herewith returned.

25/10/92

26/10

"By Order,"

Draft. 26/10/92

For Chief Secretary.

Copy

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.

✓ Copy to Govt. Secretary with the re-
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